

DOCKET NO: 202603US2DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
TETSUYA SADA ET AL : GROUP: 3743
SERIAL NO: 09/800,585 : EXAMINER: FORD, J.
FILED: MARCH 8, 2001 :

FOR: COOLING DEVICE AND
COOLING METHOD

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

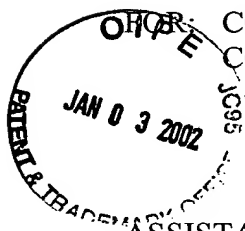
In response to the Election of Species Requirement dated December 7, 2001, applicants provisionally elect with traverse the fifth species, shown in Figure 14, and list claims 15-17 as readable thereon. Applicants also wish to point out that Figure 14 shows an exemplary cooling method of the present invention.

The Election of Species Requirement asserts that the application contains claims to patentably distinct species of the claimed invention. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, applicants respectfully traverse the Election of Species Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the examiner.

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Therefore, it is respectfully requested that the requirement to elect a single disclosed species be withdrawn, and that a full examination on the merits be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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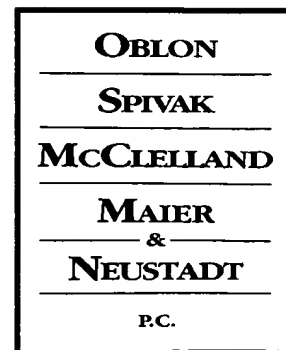
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ATTORNEYS AT LAW

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/800,585
Applicants: TETSUYA SADA ET AL
Filing Date: MARCH 8, 2001
For: COOLING DEVICE AND COOLING METHOD
Group Art Unit: 3743
Examiner: FORD, J.

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SIR:

Attached hereto for filing are the following papers:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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